

Committee on Resources

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**The Honorable Dianne Jacob
Member
San Diego County Board of Supervisors**

**Testimony
Before the Committee on Resources
United States House of Representatives**

**Hearing on
"The Second Discussion Draft of Legislation Regarding Off-Reservation Indian Gaming"
November 9, 2005**

Mr. Chairman, Mr. Rahall, and members of the committee, I thank you for this opportunity to comment on the Second Draft of Legislation Regarding Off-Reservation Indian Gaming.

I am Dianne Jacob, a member of the San Diego County Board of Supervisors.

I will focus my comments today specifically on those provisions of the draft authorizing the consolidation of two or more tribes' gaming activities within the existing boundaries of one of the tribes' reservation. It is a concept I wholeheartedly support.

San Diego County is home to more Indian reservations than any county in the United States at 18. We have been called the "Indian Gaming Capitol of the Nation."

We have the greatest number of Indian tribes with gaming compacts with the State of California at 14.

Currently, nine tribes in our County operate casinos.

These casinos range from a small 30-slot arcade to large casino resorts, some with golf courses, multi-story hotels, shopping centers, live theaters and fine restaurants.

Together, these nine gaming tribes employ about 13,000 workers and have annual gross revenue estimated at \$1.5 billion dollars.

For tribes, gaming has become a powerful tool for social change. It's helped tribal members break free from decades of poverty and government neglect. On some reservations, gaming has completely eliminated unemployment and enabled tribal members to become self-sufficient.

For the community, it provides jobs, attracts tourists and adds fuel to our local economy. Each year, gaming tribes give millions of dollars in charitable contributions to organizations throughout the region.

These benefits, however, are not without a price.

The kind of development that accompanies Indian gaming has profoundly affected people in nearby communities. And, it's had a substantial impact on County government.

From increased traffic to increased demands on law enforcement, to decreased groundwater supplies to changes in community character, the unintended consequences of casino development are huge.

Like a majority of San Diegans I support the right of tribes to game. And while I believe that reservations are sovereign nations, I know they are not islands.

At the moment, a handful of new casino projects are in the works for San Diego County.

This is the story of two tribes and how the County of San Diego working in partnership with the Viejas Band of Kumeyaay Indians, the Ewiiapaayp Band of Kumeyaay Indians and the State of California— all parties together— developed a powerful new tool to lessen the impact of one future casino.

That tool— Casino Consolidation — is one I first discussed publicly in my 2004 State of the County Address.

Casino Consolidation is a new concept that respects gaming rights and tribal sovereignty.

I believe it also has the potential to protect communities from the unbridled proliferation of Indian casinos.

Without exception, all of the Indian reservations in San Diego County are located in rural, unincorporated communities. People who live in these areas are accustomed to a slower, more peaceful, quieter way of life than in urban areas. Residents cherish their uninterrupted views of San Diego County's scenic Backcountry and they deeply value their open space.

Such is the case in Alpine, a community I am proud to represent. Alpine is small town of about 14,000 people located 30 miles east of downtown San Diego. The community's business district is located just south of a major freeway, Interstate 8.

Since 1991, the Viejas Band of Kumeyaay Indians has operated a casino on the tribe's 1,600 acre reservation located just north of Interstate 8 in Alpine.

While most other reservations in San Diego County are only accessible by remote, two-lane rural roads, the Viejas reservation is accessible by Interstate 8 and a very short stretch of a County-maintained two-lane road. The reservation has an existing wastewater treatment facility and water distribution and storage facilities.

Over the years, the tribe has fostered a good relationship with the Alpine community and is a frequent sponsor and host of community events. The tribe enjoys—what I would characterize as— an "excellent" working relationship with San Diego County government. Both governments have partnered to bring needed firefighting resources to the area, promote tourism in eastern San Diego County as well as improve the access road to the casino.

About 20 miles northeast of Alpine, far off Interstate 8, in the remote Laguna Mountains lies the reservation of the Ewiiapaayp Band of Kumeyaay Indians.

The 4,100 acre reservation has no public utilities, no telephone service, no radio service, limited electricity, no treatment system for wastewater or solid waste, and groundwater is the only water source.

More than 98 percent of the Ewiiapaayp reservation is rocky ridges and steep hillsides. Access to the reservation is via a 12-mile, narrow, winding, steeply-graded and poorly-maintained dirt road.

That geography was bad news for the Ewiiapaayp who, in 1999, signed a gaming compact with the State of California and wanted to experience the same economic success that gaming was bringing to Viejas and other tribes.

But, the Ewiiapaayp reservation would not accommodate a large casino project.

So, the Ewiiapaayp tried another avenue.

That avenue was a 10-acre parcel a little more than one mile west of the Viejas casino.

Twenty years ago, those 10-acres were placed in federal trust in the Ewiiapaayp name. The parcel was, and still is, the home of the Southern Indian Health Clinic, a facility that serves seven tribes, including Viejas.

The Tribe viewed the health clinic land as its best hope for the site of a future casino.

For six years, the Ewiiapaayp tried and tried to get federal approval to build a casino on clinic land.

At one point, the tribe purchased land on the South side of the Interstate 8, hoping to relocate the clinic. At

another point, the tribe hoped to move the clinic to the rear of the 10 acre parcel and build the casino in the front.

For the Viejas and Ewiiapaayp tribes, it was a bitter and protracted legal battle that pitted tribe against tribe. Viejas opposed the Ewiiapaayp proposal at every turn. And so did I, along with others.

For the community of Alpine and San Diego County government, the uncertainty was unnerving. What might road access be like to a second large casino just one mile west of Viejas? What about fire protection, emergency medical services and added crime? Would it be possible to adequately mitigate all of the impacts and who would pay?

These questions and others are the same questions San Diego County grapples with time and time again when it comes to the development of an Indian casino.

In the early 90s, Viejas and two other tribes built the very first casinos in our County.

This was long before the passage of Proposition 5 in 1998 which authorized the type of tribal gaming allowed on reservations today.

Current gaming compacts negotiated by California Governor Arnold Schwarzenegger require enforceable agreements between tribes wishing to build casinos and local government. These agreements do provide for mitigation measures and County government has a seat at the table.

Still, the gaming compacts don't change the sheer number of casinos that could be built in various rural communities.

That's why Casino Consolidation— in the form of the unprecedented prototype involving Viejas and Ewiiapaayp— is so important.

The two tribes, the Governor and the County have all found a way to turn conflict into compromise by proposing to co-locate a Ewiiapaayp gaming facility on the Viejas reservation.

Here is what happens if it is approved:

The Ewiiapaayp will gain an economic opportunity the tribe otherwise might not have.

Viejas will receive a portion of the facility's revenue.

Litigation between the two tribes will at last be put to rest.

The proposal would require a new compact and that compact would give the County a seat at the table. County government will have the opportunity to work with the tribes to identify significant off reservation impacts and adequate mitigation measures would be provided. That is good news for the people of Alpine and beyond.

Best of all, the proposal is voluntary. None of the parties are forced to act.

What was an adversarial situation that sparked fear and conflict becomes a project representing communication, cooperation and compromise.

Members of the committee, by supporting this legislation which would allow Casino Consolidation on the Viejas reservation, you allow us to solve our own problem with a solution that we, ourselves, have developed locally.

The joint venture between Viejas and Ewiiapaayp is not the only place in San Diego County, or throughout the nation, where Casino Consolidation might be utilized.

As we speak, an Indian tribe is threatening to break ground on a giant 30-story gaming tower on four acres of tribal land in a tiny, rural community in eastern San Diego County.

The town's main arterial route is a small, dangerous country road. The increased traffic, crime, fire protection and destruction of the quiet rural way of life are all subjects of concern. The State says the project threatens the vitality of a next-door ecological preserve which is part of the National Wildlife Refuge

in southeastern San Diego County.

Ninety-seven percent of the community is opposed to this project along with Governor Schwarzenegger and a host of federal, state and local officials.

Why then are tribal members pursuing a 30-story tower instead of investigating casino consolidation? This is the subject of much head-scratching.

If this legislation moves forward, I believe, it will send a message to tribes in San Diego County and across the nation that there is another option.

Casino Consolidation can be viewed as a viable alternative to the layers of conflict that frequently accompany Indian casino proposals.

It is my sincere belief that Casino Consolidation can stem the scattering of large and mismatched intensive commercial developments throughout San Diego County's rural, picturesque backcountry.

I urge your support.

Thank you for the opportunity to speak today.